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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,065	07/15/2003	Beth A. Besner	3756	7999
22474	7590	04/04/2006	EXAMINER	
DOUGHERTY CLEMENTS 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,065

Applicant(s)

BESNER ET AL.

Examiner

Nasser Ahmad

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-11,14-16,18-25,27-29,32-35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-11,14-16,18-25,27-29,32-35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Rejections Withdrawn

1. Claims 1-2, 7-11, 13-17, 19, 21-23, 25-27, 30-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht (4875242) in view of Thygesen (4766617) made in the last Office Action has been withdrawn in view of the amendment filed on January 4, 2006.
2. Claims 3-4, 18, 28-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Thygesen and MacLean (4887321) has been withdrawn in view of the amendment.
3. Claims 3-4, 18, 28-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Thygesen and MacLean (4887321) has been withdrawn.
4. Claims 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of MacLean and Tanaka (6663949) has been withdrawn.
5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Knisely (1835787) has been withdrawn.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-4, 8-11, 14-16, 18-25, 27-29, 32-35 and 37-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 8-9, 11, 15-16, 19, 21-23, 25, 27, 32-35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Albrecht.

Albrecht relates to a disposable sanitary seat cover (10) comprising an annulus (12) having a polygonal perimeter and an ovalled inner edge (18) and a protective flap (54) attached to the inner edge of the annulus as shown in figure-2. The seat cover is of a multi-ply embossed laminated paper sheet having a top layer (24) of tissue paper and a bottom layer (26) of a machine glazed paper, and an adhesive fastening means (57) for temporarily securing the cover to the toilet, wherein the adhesive means is attached to the bottom layer. The annulus has a polygonal perimeter, such as a rectangle (figure-2). Figure-2 shows, by the cross-hatch lines, is understood by the examiner to be the embossing pattern that is rectangularly checkered quilted pattern. The adhesive fastening means (57) comprises a pressure sensitive adhesive (PSA) covered with a release liner (62). The adhesive Tape (58) is a double-sided adhesive tape with a carrier sandwiched between the two adhesive layers because the two adhesive sides have different adhesive strength (col. 5, lines 6-12). Further, figure-2 also shows that the adhesive fastening means are two or more islets or strips (58 and 60). The absorbent layer is embossed which is understood to include printing and can comprise

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a two-ply layer (col. 3, lines 62-64 and figure-6). For claim 22, the length is approximately that of the toilet seat and the width is slightly wider (abstract). Figures 3-5 displays that the cover sheet is folded to fit into a bag and a finger lift to facilitate removal of a single cover from the bag.

The embossing is understood and interpreted by the examiner to include quilting.

The glazed paper is understood to be moisture impervious because glazing process provides for a filmy surface to the paper to render it impervious to water.

The intended use phrases such as "for a toilet", "when detached", "when removed", etc. have not been given any patentable weight because said phrases are not deemed to be of positive limitations.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Thygesen.

Albrecht, as discussed above, fails to teach that the flap is detachable attached to the annulus. Thygesen discloses a sanitary seat cover comprising an annulus with an inner oval section (4) including a flap (4A) as shown in figure-1 (col. 3, lines 20-30) to provide

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the advantage of removing the flap as needed along the perforation. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Thygesen's teaching of using a detachably attached flap with the toilet seat cover in the invention of Albrecht with the motivation to provide for detaching the flap to provide an opening to the toilet or use it as a wipe.

11. Claims 3-4, 18, 28-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of MacLean

Albrecht, as discussed above, fails to teach that the impervious bottom layer is polyethylene. MacLean discloses a toilet seat cover (10) comprising a paper sheet (11) coated with synthetic plastic material such as polyethylene (col. 7, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art to utilize MacLean's teaching of using a bottom layer of polyethylene in the invention of Albrecht with the motivation to provide a protection barrier.

For claims 18 and 37, the presence of odorous or fragranced seat cover is well known and conventional in the art as evidenced by Canadian patent 315,162 cited in MacLean, col. 3, line 49 and that fragrance or odorous are deemed to be synonymous in the art as both are directed to suppressing unpleasant smell.

12. Claims 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of MacLean and Tanaka.

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Albrecht and MacLean, as discussed above, fails to teach that the absorbent layer contains water swellable polymeric particles. Tanaka discloses an absorbent sheet comprising water swellable polymeric particle embedded therein. (abstract and col. 3, lines 5 and 14). The also contains deodorizer. The sheet can be used as toilet sheet. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Tanaka's teaching of using water swellable polymeric particles in the absorbent layer of the toilet seat liner in the invention of Albrecht with the motivation to provide for dry seat for hygienic purpose.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Knisely (1835787).

Albrecht, as discussed above, fails to teach that the absorbent layer contains an antiseptic. Knisely discloses a sanitary closet seat cover(3) made of crepe tissue paper which is absorbent and is treated with antiseptic (page-1, lines 72-79). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Knisely's teaching of using tissue absorbent paper with antiseptic treatment in the invention of Albrecht with the motivation to provide protection from germs.

Response to Arguments

14. Applicant's arguments filed January 4, 2006 have been fully considered but they are not persuasive.

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Applicant's argument about Albrecht's toilet seat cover teaches a partial annulus having a polygonal perimeter, applicant is directed to Albrecht's figure-2 which clearly shows that the inner edge is ovalled as claimed.

Applicant argues that glazed paper is very stiff. This is not deemed to be persuasive because the claimed invention does not require the stiffness as argued. Further, applicant has failed to show as to what range of stiffness is considered to be very stiff.

In response to applicant's argument that Albrecht's cover is not printable but the embossing is used to fasten the layers together, applicant is informed that said embossing is understood to be inclusive of printing and when the surface is embossed, it is taken to have print thereon. Print is considered to provide for aesthetic appeal.

For the embossed pattern of Albrecht being diamond shaped, applicant is informed that said shape is found to be rectangular as is being claimed.

Applicant's argument that Albrecht or Thygesen, both fails to teach an inner oval section that when removed provides an oval opening to the toilet. This is not found to be convincing because, as explained in the rejections made above, the intended use phrases, such as "when removed", etc. are not found to be of positive limitations and hence, have not been given any patentable weight.

Regarding claims 3-4 and 18, the above explanations apply *a fortiori* herein.

For claims 20 and 39, applicant argues that the examiner has not met the Graham v.

John Deere Co. per the office policy as for items (B) and (D) as mentioned in page-12 of the amendment filed on 01/4/2006. This is not found to be persuasive because, as mentioned in the rejection made hereinabove, the rejection over Albrecht in view of

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Tanaka clearly teaches the claimed feature of claims 20 and 39 for improvement in hygienic aspect. For example, it is well known in the personal hygiene art that the water swellable polymer provided for dry to the touch.

Applicant argues that Knisely fails to teach the feature of claim 24. This is not deemed to be convincing because Knisely was cited to show that it is known and obvious in the art to provide antiseptic with tissue absorbent paper.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed above.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

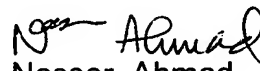
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 4/2/06
Primary Examiner
Art Unit 1772

N. Ahmad.
April 2, 2006.